



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,049	10/21/2003	Vincent K. Lee	3339/2	3403

22429 7590 06/02/2006
LOWE HAUPTMAN BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER	
LIANG, REGINA	
ART UNIT	PAPER NUMBER
2629	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,049

Applicant(s)

LEE, VINCENT K.

Examiner

Regina Liang

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

The unnumbered claim, last three lines, on page 2 has been renumbered to claim

12. Applicant is reminded that in future response to include claim 12 into the list of claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho (US 6,380,926) in view of Jao (US 2004/0218402).

As to claim 1, Figs. 51 Ho discloses a computer mouse comprising a main housing, at least one button mounted on the main housing, an electrical mechanism mounted inside the main housing to provide functionality of the computer mouse (inherent the computer mouse including circuit components mounted on a circuit board for controlling the mouse), the mouse further

Art Unit: 2629

comprising an ornamental housing (decorative sealed vessel) including liquid ornaments to provide an decorative design for the computer mouse.

Ho does not disclose the mouse comprising a light source member for lighting the ornamental housing.

However, Jao teaches a liquid-ornamented article having a light source member (31 in Fig. 1B) for creating a unique decorating effect on the light-ornamented article (0003)). Jao also suggests the light-ornamented article having the illuminating structure can be used in a computer mouse (last line in [0004]). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer mouse of Ho to have a light source member for lighting the ornamental housing as taught by Jao so as to create a unique and novel decorating effect for the computer mouse.

As to claim 2, Ho teaches the ornamental housing fastened to the main housing and having at least one transparent or translucent area (see Fig. 51 of Ho).

As to claim 3, Fig. 2B of Jao teaches a plurality of optical fibers (5), each fiber having a front end (51) and a back end (52), the front end (51) is connected to a light source (31) so that the light from the light source is sent to the back end of the fiber.

As to claim 4, Fig. 2B of Jao teaches a cover (62) having a plurality of holes (61), all or part of the back end (52) of the fibers being inserted through the holes of the cover.

As to claim 5, Ho teaches the decorative particle can be a picture, a drawing or any words (col. 2, lines 28-30, and Jao teaches using the optical fibers to produce obvious luminous spots or surfaces at the back end to create a unique and novel decorating effect on the ornament, Thus,

Art Unit: 2629

Ho as modified by Jao would have the fibers for producing a word or a pattern as claimed so as to create a unique and novel decorating effect.

As to claim 6, Jao teaches the light source has a plurality of alternative light characteristics (different colors) that are capable of forming different characteristics.

As to claim 7, Fig. 51 of Ho teaches the liquid decoration connected to the main housing, the liquid decoration comprising a sealed vessel, the sealed vessel having at least one light inside and at least one float in the liquid.

As to claim 9, Jao teaches the light source is a LED.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho and Jao as applied to claim 7 above, and further in view of Levinson et al (US. PAT. NO. 6,299,338).

Ho as modified by Jao does not disclose a fluorescent material is added into the sealed vessel. However, Levinson teaches it is well known in the art that fluorescent material (phosphor) is decorative or ornamental in nature and is used to produce a decorative effect (col. 3, lines 10-18). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ho as modified by Jao to have a fluorescent material added into the sealed vessel so as to produce a better decorative effect.

5. Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho and Jao as applied to claim 1 above, and further in view of Chien (US 6,213,616).

As to claim 10, Ho as modified by Jao does not disclose the light source is a luminescent plate. However, Chien teaches a device in which for decoration includes illuminated by a

Art Unit: 2629

luminescent plate (EL) to improve visibility, increase brightness, and decrease power consumption (col. 1, lines 7-9, and col. 2, lines 6-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ho as modified by Jao to have a luminescent plate as a light source as taught by Chien so as to improve visibility, increase brightness, and decrease power consumption.

As to claim 11, Ho teaches the computer mouse comprising an ornamental housing, the ornamental housing fastened to the main housing and having at least transparent area.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ho and Jao as applied to claim 1 above, and further in view of Inui (US 2002/0131261).

Ho as modified by Jao does not disclose comprising a transparent plate with a plurality of holes and a light shield connected to the back of the transparent plate. However, Inui teaches a lighting device comprising a transparent plate (light guide member) having a plurality of holes (Figs. 8B, 9 for example), a light shield (reflector 16 in Fig. 5 for example) connected to the back of the transparent plate (light guide 10). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Ho as modified by Jao and Inui so as to “provide an illumination device in which a desired shape and a character can be displayed with uniform emission throughout an emission surface as well as with high illumination effect” ([0009] of Inui).

7. Claims 1, 2, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liang (US 20040119692) in view of Rifkin (US 5,692,956).

As to claim 1, Figs. 1A, 3 and 4 of Liang discloses a computer mouse comprising a main housing, at least one button mounted on the main housing, the mouse further comprising an ornamental light source member (LED) transmitting light to produce an ornamental effect for the computer mouse (lines 4-7 in [0015]).

Liang does not explicitly disclose the computer mouse comprising an electrical mechanism mounted inside the main housing and the light source member that is connected with the electrical mechanism for obtaining electrical power. However, Fig. 3 of Rifkin teaches a computer mouse comprising an electrical mechanism (circuit 54) mounted inside the mouse housing for providing functionality of the mouse and a light source (LED 71) that is connected with the electrical mechanism for obtaining electrical power (col. 4, lines 48-51 for example). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liang and Rifkin so as to present various light effects and to provide a novel outlook of mice which can be carried so as to amuse the user (last two lines in [0002]).

As to claim 2, Liang teaches an ornamental housing (13) fastened to the main housing and having at least one transparent area (transparent upper cover 11 and base 12).

As to claim 7, Fig. 3 of Liang teaches a sealed vessel (13) having at least one liquid (14) inside and at least one floating (15) in the liquid.

As to claim 9, Liang teaches the light source is LED.

8. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liang and Rifkin as applied to claim 1 above, and further in view of Nelson (US 6,256,811).

As to claim 3, Liang as modified by Rifkin does not disclose comprising a plurality of optical fibers. However, Fig. 1-3 of Nelson teaches a decoration device comprising a plurality of optical fibers (22), each fiber having a front end and a back end (16), the front of the fiber is connected to a light source (20) so that light from the light source is sent to the back end (16) of the fiber to provide a decorative scene (14). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liang as modified by Rifkin to have a plurality of optical fibers so as to provide a realistic depiction of decorative scene by using end emitting optical fibers (col. 1, lines 45-46).

As to claim 4, Fig. 3 of Nelson teaches the cover (panel 12) have a plurality of holes (38), all or part of the back end of the optical fibers being inserted through the holes of the panel. Thus, Liang as modified by Rifkin and Nelson would have the cover as claimed.

As to claim 5, Nelson teaches the back end of the optical fibers inserted through the holes form a pattern.

As to claim 6, Nelson teaches the light source has a plurality of alternative lighting character that are capable of forming different characteristics or patterns at different times (col. 3, lines 46-49).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liang and Rifkin as applied to claim 1 above, and further in of Levinson et al (US. PAT. NO. 6,299,338).

Liang as modified by Rifkin does not disclose a fluorescent material is added into the sealed vessel. However, Levinson teaches it is well known in the art that fluorescent material (phosphor) is decorative or ornamental in nature and is used to produce a decorative effect (col.

Art Unit: 2629

3, lines 10-18). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liang as modified by Rifkin to have a fluorescent material added into the sealed vessel so as to produce a better decorative effect.

10. Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liang and Rifkin as applied to claim 1 above, and further in view of Chien (US 6,213,616).

As to claim 10, Liang as modified by Rifkin does not disclose the light source is a luminescent plate. However, Chien teaches a device in which for decoration includes illuminated by a luminescent plate (EL) to improve visibility, increase brightness, and decrease power consumption (col. 1, lines 7-9, and col. 2, lines 6-20). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Liang as modified by Rifkin to have a luminescent plate as a light source as taught by Chien so as to improve visibility, increase brightness, and decrease power consumption.

As to claim 11, Liang teaches the computer mouse comprising an ornamental housing, the ornamental housing fastened to the main housing and having at least transparent area.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liang and Rifkin as applied to claim 1 above, and further in view of Inui (US 2002/0131261).

Liang as modified by Rifkin does not disclose comprising a transparent plate with a plurality of holes and a light shield connected to the back of the transparent plate. However, Inui teaches a lighting device comprising a transparent plate (light guide member) having a plurality of holes (Figs. 8B, 9 for example), a light shield (reflector 16 in Fig. 5 for example) connected to

Art Unit: 2629

the back of the transparent plate (light guide 10). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Liang as modified by Rifkin and Inui so as to "provide an illumination device in which a desired shape and a character can be displayed with uniform emission throughout an emission surface as well as with high illumination effect" ([0009] of Inui).

Conclusion

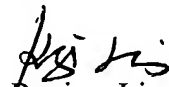
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsai (US 2004/014566) teaches a mouse with liquid decoration.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

5/26/06